

BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: January 21, 2004

Division: Growth Management

Bulk Item: Yes ☐ No ☒

Department: Planning

AGENDA ITEM WORDING:

A public hearing to consider a DCA Transmittal Resolution for amendments to the Year 2010 Comprehensive Plan based on recommendations adopted as a part of the Livable CommuniKeys Master Plan for Big Pine Key and No Name Key. The amendments include the addition of policies, changes to policies and the deletion of policies. Future Land Use Map changes are also proposed pursuant to Action Item 2.1.3 of the Master Plan. (One public hearing required).

ITEM BACKGROUND:

All of the proposed comprehensive plan amendments and map amendments are included as a part of the Livable CommuniKeys Master Plan for Big Pine Key and No Name Key. Amendments are only recommended in the LCP Plan, but must be formally changed through the comprehensive plan amendment process.

PREVIOUS RELEVANT BOCC ACTION:

The Board adopted the Master Plan on December 17, 2003.

CONTRACT/AGREEMENT CHANGES:

None

STAFF RECOMMENDATIONS:

Approval.

TOTAL COST: N/A

BUDGETED: Yes ☐ No ☐

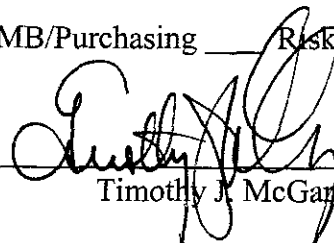
COST TO COUNTY: N/A

SOURCE OF FUNDS

REVENUE PRODUCING: Yes ☐ No ☒ AMOUNT PER MONTH Year

APPROVED BY: County Atty ☒ OMB/Purchasing ☐ Risk Management ☐

DIVISION DIRECTOR APPROVAL:



Timothy J. McGarry, AICP

DOCUMENTATION: Included ☒ To Follow ☐ Not Required ☐

DISPOSITION:

AGENDA ITEM # R1

Handwritten initials

**YEAR 2010 COMPREHENSIVE PLAN AND
FUTURE LAND USE MAP AMENDMENTS**

**AS RECOMMENDED BY THE LIVABLE
COMMUNIKEYS MASTER PLAN FOR BIG PINE KEY
AND NO NAME KEY**

**BOARD OF COUNTY COMMISSIONERS
HARVEY GOVERNMENT CENTER
JANUARY 21, 2004**

YEAR 2010 COMPREHENSIVE PLAN AND FUTURE LAND USE MAP AMENDMENTS

AMENDMENTS TO THE YEAR 2010 COMPREHENSIVE PLAN BASED ON RECOMMENDATIONS ADOPTED AS A PART OF THE LIVABLE COMMUNIKEYS MASTER PLAN FOR BIG PINE KEY AND NO NAME KEY. THE AMENDMENTS INCLUDE THE ADDITION OF POLICIES, CHANGES TO POLICIES AND THE DELETION OF POLICIES. FUTURE LAND USE MAP CHANGES ARE ALSO PROPOSED PURSUANT TO ACTION ITEM 2.1.3 OF THE MASTER PLAN.

RECOMMENDATIONS

Staff:	Approval	December 29, 2003	Staff Report
DRC:	Approval	January 5, 2004	Resolution #D01-04
PC:	Approval	January 14, 2004	Resolution #P01-04

DRAFT BOCC TRANSMITTAL RESOLUTION

RESOLUTION NO. - 2004

A RESOLUTION BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS TRANSMITTING TO THE DEPARTMENT OF COMMUNITY AFFAIRS THE REQUEST FILED BY THE PLANNING AND ENVIRONMENTAL RESOURCES DEPARTMENT AMENDING THE YEAR 2010 COMPREHENSIVE PLAN BASED ON RECOMMENDATIONS ADOPTED AS A PART OF THE LIVABLE COMMUNIKEYS MASTER PLAN FOR BIG PINE KEY AND NO NAME KEY.

WHEREAS, the Monroe County Board of County Commissioners held a public hearing on January 21, 2004, for the purposes of considering the transmittal to the Florida Department of Community Affairs, for review and comment, a proposed amendment to the Monroe County Year 2010 Comprehensive Plan and Future Land Use Map as described above; and

WHEREAS, the Planning Commission and the Monroe County Board of County Commissioners support the requested amendments to the Monroe County Year 2010 Comprehensive Plan and the Future Land Use Map;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA THAT:

Section 1. The Board of County Commissioners does hereby adopt the recommendation of the Planning Commission pursuant to the draft ordinance for the adoption of the proposed amendments to the Monroe County Year 2010 Comprehensive Plan and Future Land Use Map; and

Section 2. The Board of County Commissioners does hereby transmit the proposed amendment with a copy of the adopted Livable CommuniKeys Master Plan for Big Pine Key and No Name Key to the Florida Department of Community Affairs for review and comment in accordance with the provisions of Sections 163.3184 and 380.0522, Florida Statutes; and

Section 3. The Monroe County Staff is given the authority to prepare and submit the required transmittal letter and supporting documents for the proposed amendment in accordance with the requirement of 9J-11.006 of the Florida Administrative Code; and

(The remainder of this page left intentionally blank)

Section 4. The Clerk of the Board is hereby directed to forward a copy of this resolution to the Director of Planning and Environmental Resources.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida at a regular meeting held on the 21st day of January, 2004.

Mayor Murray Nelson
Mayor Pro Tem David P. Rice
Commissioner Charles "Sonny" McCoy
Commissioner George Neugent
Commissioner Dixie Spehar


BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

BY _____
Mayor Murray Nelson

(SEAL)

ATTEST: DANNY L. KOLHAGE, CLERK

DEPUTY CLERK

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM:

ROBERT M. WOLFE
CHIEF ASSISTANT COUNTY ATTORNEY
Date 1-22-04

DRAFT BOCC ORDINANCE

ORDINANCE NO. -2004

AN ORDINANCE AMENDING THE YEAR 2010 COMPREHENSIVE PLAN BASED ON RECOMMENDATIONS ADOPTED AS A PART OF THE LIVABLE COMMUNIKEYS MASTER PLAN FOR BIG PINE KEY AND NO NAME KEY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES INCONSISTENT HERewith; AND DIRECTING THE CLERK OF THE BOARD TO FORWARD A CERTIFIED COPY OF THIS ORDINANCE TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, at a regularly scheduled meeting on December 17th, the Monroe County Board of County Commissioners adopted the Livable CommuniKeys Master Plan for Big Pine Key and No Name Key (referred to hereafter as the Master Plan) as the policy document to direct growth and development on Big Pine Key and No Name Key; and

WHEREAS, the Master Plan is the product of the Livable CommuniKeys program as outlined in the Monroe County Year 2010 Comprehensive Plan Objective 101.20 which is to address community needs while balancing the needs of all of Monroe County; and

WHEREAS, the Master Plan was created in conjunction with the Habitat Conservation Plan (HCP), a mechanism required by the US Fish and Wildlife Service (USFWS) whereby the concerns and responsibilities of the various public agencies with regard to the conservation of the Key Deer and other covered species, and public and private development of Big Pine and No Name Keys can be coordinated; and

WHEREAS, many Objectives and Policies within the Year 2010 Comprehensive Plan specifically address the growth and development of Big Pine Key and No Name Key in order to protect the endangered species; and

WHEREAS, the HCP and the LCP process set forth much more comprehensive conservation and development plans that will allow development on the island and protection of the endangered species on the island; and

WHEREAS, many of the findings of both the HCP and the LCP conflict with Policies in the Year 2010 Plan and the plans may not be implemented until those comprehensive plan policies are amended; and

WHEREAS, many of the goals, strategies and action items within the Master Plan address specific policies within the Comprehensive Plan by either replacing or changing them; and

WHEREAS, as a part of these amendments, the Master Plan will be adopted as a part of the Comprehensive Plan, and therefore any conflicts between the two must be resolved; and

WHEREAS, as a part of the comprehensive LCP process, Future Land Use Map amendments are proposed to bring properties in conformity with the Master Plan and other guiding documents; and

WHEREAS, all of the proposed Comprehensive Plan and Future Land Use Map changes have been recommended by the Master Plan, as adopted on December 17th, 2003 and the adoption resolution states that the Future Land Use and Land Use District map changes would be brought before the commission at a subsequent hearing; and

WHEREAS, the proposed amendments were reviewed during a meeting of the Development Review Committee on January 5, 2004 which was continued from December 29th, 2003; and

WHEREAS, during a regularly scheduled meeting on January 14, 2004, the Monroe County Planning Commission reviewed the amendments and recommended approval, to the Board of County Commissioners; and

WHEREAS, The Monroe County Board of County Commissioners were presented with the following information, which by reference is hereby incorporated as part of the record of said hearing:

1. The Staff Report prepared on January 9, 2002; by K. Marlene Conaway, Director, Planning and Environmental Resources;
2. Proposed changes to the Monroe County Year 2010 Comprehensive Plan and Future Land Use Map;
3. The sworn testimony of the Growth Management Staff;
4. Comments by the public; and

WHEREAS, the Monroe County Board of County Commissioners examined the proposed amendments to the Year 2010 Comprehensive Plan and Future Land Use Map submitted by the Monroe County Planning Department at a public hearing on January 21st, 2004; and

WHEREAS, the Monroe County Board of County Commissioners makes the following Findings of Fact based on the evidence presented:

1. Objective 101.20 mandates the county to complete a series of master plan documents to address local needs while balancing the needs of all of Monroe County. The Big Pine Key and No Name Key Master Plan is the first of the Livable CommuniKeys plans to be completed, and require implementation of the recommended Strategies and Action Items. The LCP Plan *itself* must be adopted as an amendment to and a part of the Year 2010 Comprehensive Plan. Policy 101.20.2 will provide a mechanism to recognize individual Master Plans as they are adopted by the BOCC as

a part of the Comprehensive Plan, enabling the framework created within the plans to have the same standing as the Comprehensive plan; and

2. In order to maintain consistency between the different planning documents that pertain to Big Pine Key and No Name Key, the LCP Master Plan and the Habitat Conservation Plan (HCP) must be included when considering future development, both public and private. On page 34 of the LCP, it is recommended that Objective 103.1 of the Comprehensive Plan be amended; and
3. Because the LCP master plan and the Habitat Conservation Plan create a three-tier system to direct growth to infill areas and away from areas that contain important native vegetation, sources of funding needs to be identified to purchase environmentally sensitive lands. The planning area contains a large amount of native habitat that is valuable to many of the endangered species which live there, and in order to permanently preserve it, it must be protected through public ownership. Page 60 of the master plan recommends encouraging the Department of Community Affairs (DCA) to find a dedicated funding source to acquire Tier I lands within the planning area for preservation purposes; and
4. Policy 101.6.5 ranks proposed acquisition lands according to three priorities, however it did not previously take into account the implementation of a Habitat Conservation Plan such as the one which has been drafted for Big Pine Key and No Name Key. Page 60 of the master plan recommends that consideration of the implementing the HCP should be a factor in the ranking of lands for acquisition purposes; and
5. Portions of the ROGO and NROGO system outlined in the Year 2010 Comprehensive Plan specifically mention Big Pine Key and No Name Key as areas which should receive additional negative points in both ROGO and NROGO. Because the master plan adopts a new ROGO system for only Big Pine and No Name Keys, those areas should be exempted from the current ROGO system; and
6. Policy 103.1.1 includes many elements that are replaced with the implementation of the LCP master plan, including a new limit on ROGO allocations to 10 per year for the next 20 years and the corresponding amount of non-residential floor area. The new ROGO system for Big Pine is described in Strategy 3.1 and Strategy 3.2 of the master plan and will be unique to the planning area. Non-residential floor area is limited to 47,800 square feet by Action Item 4.1.1 in the master plan which corresponds to 239 square feet for each residential planned for the next twenty years. The limit on vehicular trips set forth in Policy 103.1.1 is reflected in Action Item 4.1.8 which prohibits any new high intensity uses, which have corresponding trip generation rates to those prohibited in Policy 103.1.1 (they generate more than 100 trips per 1000 square feet per day); and
7. Policy 103.1.2 directs the county to replace the ACCC (Area of Critical County Concern) designation with zoning designations consistent with the categories shown on the Future Land Use Map (FLUM). Each of these changes are outlined in Action

Item 2.1.3 which also specifically states that Policy 103.1.2 should be deleted. These changes will be reflected in a new zoning map to be adopted by the BOCC; and

8. Policy 103.1.7 requires the county to initiate a land management program with other government agencies for private and county owned lands within and adjacent to state and federal owned conservation projects. Strategy 10.2 and the associated action items outline a program for lands acquired for conservation purposes by the county in order to fulfill the mandates set forth in the HCP which require a 3:1 mitigation to development ratio. The action items include offering lands acquired for conservation to the FWS for management, formulating management objectives for specific habitats, restoration of lands to improve Key deer habitat, and reporting as required by the HCP; and
9. Policy 103.1.8 requires that upon the adoption of the Comprehensive Plan, the Habitat Evaluation Index (HEI) in the Land Development Regulations shall be revised to incorporate greater consideration for the habitat of species of special status, including the Key deer. The required changes have been completed and were adopted as a part of the LDR's in 1999 and will not be effected by the LCP master plan; and
10. Policy 103.1.9 mandates that the county revise the Land Development Regulations to require the 'clustering' of development to avoid the fragmentation of Key deer habitat. This requirement has been fulfilled and clustering is required under Section 9.5-345(f) of the LDRs. Clustering is supported within the master plan through limits placed on development in Tier I lands; and
11. The HCP modeled the development of new and expanded public facilities on Big Pine and found that if existing use were to expand and new uses were to be placed in scarified, Tier III areas there would be little or no impact to the endangered species overall, and the impact that would occur could be minimized and mitigated. Policy 103.1.10 requires a siting analysis for any new or significant expansion of public facilities on Big Pine which is to include:
 1. assessment of needs;
 2. evaluation of alternative sites and design alternatives for the selected sites; and
 3. assessment of impacts on surrounding land uses and natural resources.

All three of these requirements have been met as a part of the HCP and LCP process and both documents explain where any new public facilities should be placed. Public facilities are directly addressed in Goal 6 (parks and recreation) and Goal 7 (other public facilities); and

12. One of the reasons the HCP was developed as part of a solution to relieve localized traffic constraints on Big Pine. Some improvements have been made by FDOT to U.S. 1 through Big Pine, including an intersection improvement project and re-timing of the traffic signal, and a proposed third lane will be completed after adoption of the HCP. Policy 103.1.11 requires the implementation of certain projects and the

consideration of solutions to the traffic problem by FDOT, which will be completed after adoption of the HCP; and

13. As a direct result of the HCP process, permanent traffic solutions have been addressed through the HCP analysis. Impacts have been addressed and many of the suggested projects are either completed or will be completed when the HCP is approved by USFWS. Results of the HCP process include the at-grade fencing along U.S. 1, Key deer underpasses, and the extension of the third lane on the west end of the island. Policy 103.1.12 requires a study to evaluate the different options for traffic circulation concurrency issues, which was part of the purpose of the HCP and the recommendations are included in the LCP as a part of Goal 15; and
14. Policy 103.1.14 discourages tour groups on Big Pine in order to reduce the traffic and illegal feeding of the Key deer population. The language of this policy is reflected in Action Item 12.1.5; and
15. Policy 103.1.15 requires the county to restore, where practicable, disturbed wetland and upland native vegetation in order to improve Key deer habitat. The policy has been duplicated in Action Item 10.2.6; and
16. Policy 207.7.5 requires the county to identify the freshwater lens system on Big Pine and the associated keys and implement special measure to protect the system. Goal 11 specifically addresses the freshwater system and proposes protective mechanisms, most of which are already in place; and
17. Policy 207.7 is similar to Policy 103.1.14 which discourages tour groups on Big Pine Key. This policy is addressed in Action Item 12.1.5; and
18. Policy 207.7.9 states that "Monroe County shall incorporate specific management guidelines to protect Key deer (developed pursuant to Policy 207.2.3) as stipulations for land development orders for all development occurring on Big Pine and No Name Keys". Specific guidelines are outlined in both the HCP and the LCP for all development, not just development orders, on Big Pine and No Name Keys. Both documents describe a level of development that minimizes impacts on endangered species and requires mitigation where impacts do occur; and
19. Policy 207.7.10 requires the county to adopt revisions to the LDRs which limit the area that may be enclosed by fencing so as not to interfere with Key deer movement. The LDRs were amended and Big Pine and No Name Keys have special fencing regulations described in Section 9.5-309(c); and
20. Both Policy 207.7.11 and Policy 207.7.17 require the county to work with the USFWS to develop roadside management techniques to reduce deer-vehicle collisions, illegal deer feeding, and increased visibility. Roadside management techniques are required in Action Item 15.2.2 of the master plan; and

21. Both the HCP and the LCP encourage infill commercial development within the U.S. 1 corridor area on properties already scarified. The Future Land Use Map Change from Residential Conservation (RC) to Mixed Use Commercial (MC) of the properties described as Lots 21 and 22, Tropic Island Ranchettes is consistent with the Master Plan because the properties are scarified, have been used commercially since 1986, and are within the U.S. 1 corridor area, where development and redevelopment are directed and encouraged.
22. The HCP and the LCP require and provide mechanisms for the protection of the habitat of endangered species. Part of this protection is the designation of areas in Tier I which are to remain undeveloped or developed at the current level of development. The properties currently designated on the Future Land Use Map as Mixed Use Commercial (MC) are only partially developed with residential uses, contain a large amount of native habitat, are located within Tier I, and are not within the main U.S. 1 corridor where further commercial development may occur. The properties to the south of the MC site are under public ownership, while properties to the north are single family residences with the FLUM designation of Residential Low (RL).

WHEREAS, the Monroe County Board of County Commissioners makes the following Conclusions of Law based on the evidence presented:

1. The Livable CommuniKeys Program requires Monroe County to produce a series of Master Plans which addresses local needs while balancing the needs of all of Monroe County; and
2. The LCP Master Plan for Big Pine Key and No Name Key was created in conjunction with the Habitat Conservation Plan (HCP) and implements the HCP, both of which control development and conservation on the islands; and
3. The Master Plan was adopted as the policy document to direct growth and development on Big Pine Key and No Name Key; and
4. The Master Plan, as adopted, recommends the amendments proposed by this ordinance in order to avoid conflicts with existing Objectives and Policies and to enable the implementation of both the HCP and the LCP; and
5. The proposed amendments are internally consistent with and further the Goals, Objectives, and Policies of the Year 2010 Comprehensive Plan and the Principles of Guiding Development set forth in Chapter 380, Florida Statutes; and

WHEREAS, the Monroe County Board of County Commissioners hereby supports the decision of the Monroe County Planning Commission and the staff of the Monroe County Planning Department; and

WHEREAS, it is the desire of the Monroe County Board of County Commissioners that the following amendment to the Monroe County Code be approved, adopted and transmitted to the state land planning agency for approval;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, THAT:

Section 1. Create Policy 101.20.2 in the Monroe County Year 2010 Comprehensive Plan to read as follows:

Policy 101.20.2

The Community Master Plans shall be incorporated into the 2010 Comprehensive Plan as a part of the plan and be implemented as part of the Comprehensive Plan. The following Community Master Plans have been completed in accordance with the principals outlined in this section and adopted by the Board of County Commissioners:

1. Master Plan for Future Development of Big Pine Key and No Name Key, adopted December 17, 2003.

Section 2. Amend Objective 103.1 of the Year 2010 Monroe County Comprehensive Plan as follows (additions and deletions shown in underline and strikethrough format):

Objective 103.1

Monroe County shall regulate future development and coordinate the provision of public facilities on Big Pine Key and No Name Key, consistent with the Goals, Objectives, and Policies of this Comprehensive Plan, the Livable CommuniKeys Master Plan and the Habitat Conservation Plan, for Big Pine Key and No Name Key in order to:

- (a) protect the Key deer (*Odocoileus virginianus clavium*);
 - (b) preserve and enhance the habitat of the Key deer;
 - (c) limit the number of additional vehicular trips from other islands to Big Pine Key;
 - (d) maintain the rural, suburban, and open space character of Big Pine Key; and
 - (e) prevent and reduce adverse secondary and cumulative impacts on Key Deer.
- [9J-5.006(3)(b)1 and 4]

Section 3. Amend Policy 101.6.4 of the Year 2010 Monroe County Comprehensive Plan as follows (additions and deletions shown in underline and strikethrough format):

Policy 101.6.4

The County will coordinate with DCA to ensure that DCA continues to support enhanced land acquisition efforts in the Keys based on needs identified in this comprehensive plan. This coordination shall ensure continued support of state acquisition efforts under CARL, Preservation 2000 and the Florida Communities Trust programs. The County encourages the Department to work at the state level to create a dedicated acquisition fund for Tier I lands on Big Pine Key and No Name Key based on the results of the Carrying Capacity Study, the requirements of the incidental take permit and Habitat Conservation Plan and the Master Plan

for Big Pine Key and No Name Key. The County and the Department will also support appropriate legislative changes which will have the effect of enhancing the Land Authority efforts throughout the County, and the South Florida Water Management District's acquisitions on Big Pine Key. Similarly, cooperation will continue with private acquisition efforts, such as The Nature Conservancy and the Florida Land and Sea Trust.

Section 4. Amend Policy 101.6.5 of the Year 2010 Monroe County Comprehensive Plan as follows (additions and deletions shown in underline and strikethrough format):

Policy 101.6.5

Monroe County shall annually compile a list prioritizing the lands requested for County acquisition due to the Permit Allocation System. The lands of the property owners who meet the criteria in Policy 101.6.1 shall be ranked according to:

1. the environmental sensitivity of the vegetative habitat, marine resources, and impacts to the quality of near shore waters as specified by the ranking in the Environmental Design Criteria section of the Land Development Regulations;
2. whether the property is in known, probable, and/or potential habitat for one or more threatened and/or endangered species, as indicated on the most recent Protected Animal Maps; and
3. whether development on the property will adversely impact successful implementation of a Habitat Conservation Plan or protection and recovery of threatened or endangered species, such as development on Big Pine Key, No Name Key, Ohio Key, and North Key Largo.

Those lands considered most sensitive according to the combination of (a), (b), and (c). above shall be ranked as the highest priority for acquisition.

Section 5. Create Policy 101.5.11 and 101. 5. 12 in the Monroe County Year 2010 Comprehensive Plan to read as follows:

Policy 101.5.11

Residential development on Big Pine Key and No Name Key will be subject to the allocation system set forth in Strategy 3.2 of the Livable CommuniKeys Master Plan for Big Pine Key and No Name Key. The Land Development Regulations will be amended to include the point system as detailed in the Master Plan. Eligibility to compete within the allocation system will be based on the location of the proposed development with respect to the Tier System Overlay Map incorporated herein by reference.

Policy 101.5.12

Non-residential development on Big Pine Key and No Name Key New will be allocated pursuant to the following additional criteria:

1. Development must be infill in existing commercial areas in Tier 2 and Tier 3 lands, mainly along the U.S. 1 corridor on Big Pine Key.

2. All new non-residential development will be limited to disturbed or scarified lands.
3. New allocation awards shall be allowed to exceed 2,500 square feet per site if located within the designated Community Center Overlay as designated by Action Item 4.1.5.
4. New allocations shall be awarded moderate positive points to applicants who fulfill the additional criterion set forth in Strategy 4.2 of the Livable CommuniKeys Master Plan for Big Pine Key and No Name Key.
All new non-residential development within the planning area shall be exempt from criterion 5, 6, 7, and 17 of Policy 101.5.5.

Section 6. Delete the following Policies from the Monroe County Year 2010 Comprehensive Plan: 103.1.1, 103.1.2, 103.1.7, 103.1.8, 103.1.9, 103.1.10, 103.1.11, 103.1.12, 103.1.14, 103.1.15, 207.7.5, 207.7.7, 207.7.9, 207.7.10, 207.7.11, and 207.7.17.

Section 7. Change the Future Land Use Map Designation of the properties from Mixed Use Commercial (MC) to Residential Low (RL) with the following real estate numbers: 00110460.000000, 00110540.000000, 00110640.000000, 00110720.000000, 00110720.000100, 00110730.000000, 00110740.000000, 00110750.000000, 00111020.000000, 00111020.000010, 00111020.000020, 00111020.000030, 00111020.000040 and illustrated on the attached map which is hereby incorporated by reference and attached as Exhibit 1.

Section 8. Change the Future Land Use Map Designation of the properties from Residential Conservation (RL) to Mixed Use Commercial (MC) with the following real estate numbers: 00111420.000100 and 00111420.000500 and illustrated on the attached map which is hereby incorporated by reference and attached as Exhibit 2.

Section 9. If any section, subsection, sentence, clause, item, change, or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such validity.

Section 10. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict.

Section 11. This ordinance shall be transmitted by the Planning Department to the Department of Community Affairs pursuant to Chapter 163 and 380, Florida Statutes.

(The remainder of this page intentionally left blank)

Section 12. This ordinance shall be filed in the Office of the Secretary of State of Florida, but shall not become effective until a notice is issued by the Department of Community Affairs or Administrative Commission finding the amendment in compliance with Chapter 163, Florida Statutes.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida at a regular meeting held on the _____ day of _____ 2004.

Mayor Murray Nelson	_____
Mayor Pro Tem David P. Rice	_____
Commissioner Dixie Spehar	_____
Commissioner George Neugent	_____
Commissioner Charles "Sonny" McCoy	_____

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

BY _____
Mayor Murray Nelson

(SEAL)

ATTEST: DANNY L. KOLHAGE, CLERK

DEPUTY CLERK

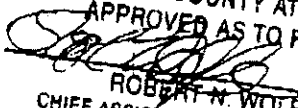
MONROE COUNTY ATTORNEY
APPROVED AS TO FORM:

ROBERT N. WOLFE
CHIEF ASSISTANT COUNTY ATTORNEY
Date 1-12-04

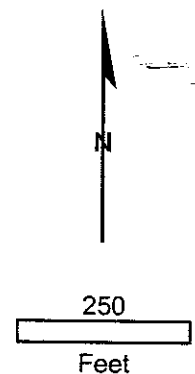
Exhibit 1

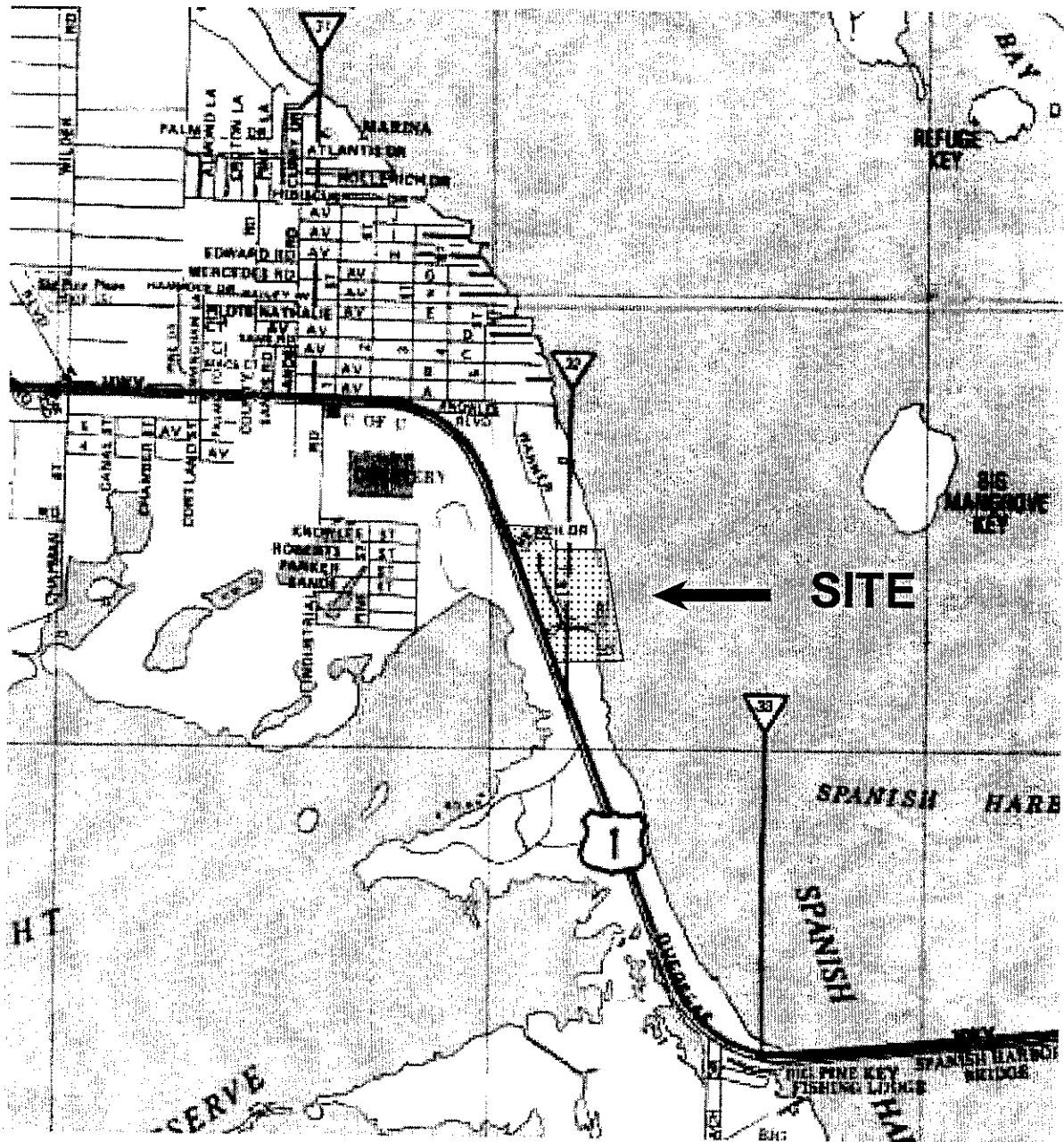


The Monroe County Year 2010 Comprehensive Plan Future Land Use Map is proposed to be amended as indicated above and briefly described as:

Change Future Land Use District from MC to RL for RE:
110460, 110540, 110640, 110720, 110720.0001, 110730,
110740, 110750, 111020, 11020.0001, 11020.0002,
11020.0003, 11020.0004

Map Amendment # M23063





Proposed Land Use District Map Amendment: Street Map

Key: Big Pine

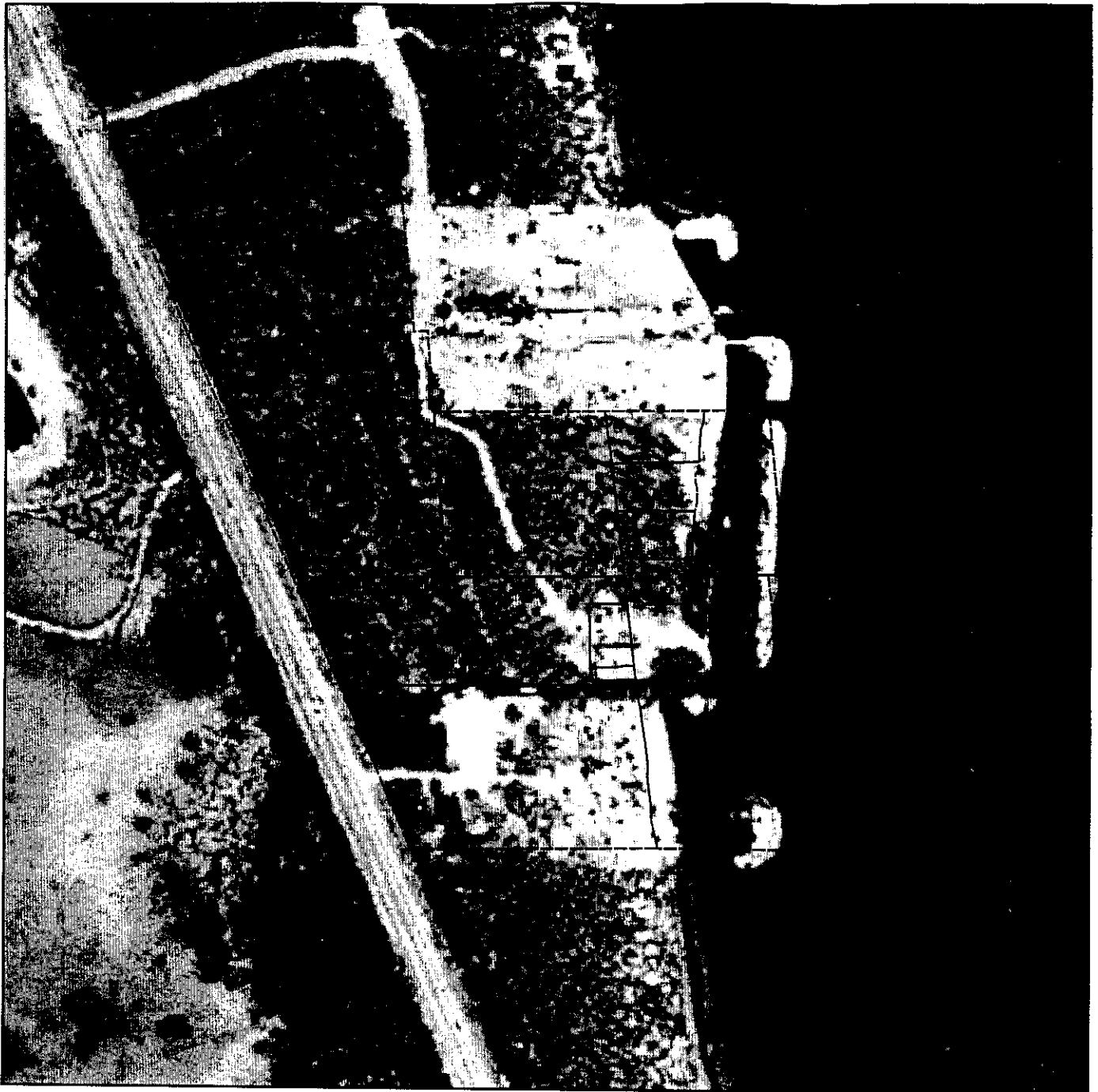
Mile Marker: 32

Proposal: Change Future Land Use District from MC to RL

Property Description: RE: 110460, 110540, 110640, 110720, 110720.0001, 110730, 110740, 110750, 111020, 11020.0001, 11020.0002, 11020.0003, 11020.0004

Map Amendment # M23063

Land Use District Map # 332



Proposed Land Use District Map Amendment: Aerial

Key: Big Pine

Mile Marker: 32

Proposal: Change Future Land Use District from MC to RL

Property Description: RE: 110460, 110540, 110640, 110720, 110720.0001, 110730, 110740, 110750, 111020, 11020.0001, 11020.0002, 11020.0003, 11020.0004

Map Amendment # M23063

Land Use District Map # 332

